

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHIMPHA THEPVONGSA,  
Plaintiff,

v.

REGIONAL TRUSTEE SERVICES  
CORPORATION, et al.,  
Defendants.

No. C10-1045 RSL

ORDER GRANTING PLAINTIFF'S  
MOTION FOR RECONSIDERATION

This matter comes before the Court on pro se plaintiff Phimpha Thepvongsa's motion for reconsideration. Dkt. #34. On January 26, 2011, the Court granted defendants' motion to dismiss plaintiff's claim for violation of the Fair Credit Reporting Act ("FCRA") with prejudice. Dkt. #32. Plaintiff requests that the Court amend its Order to dismiss plaintiff's claim for FCRA violation without prejudice so that if the prerequisites under 15 U.S.C. §1681s-2(b) are met, he may amend his complaint.

Local Civil Rule 7(h) provides that motions for reconsideration are disfavored, and the Court "will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." Local Civ. R. 7(h)(1). Motions for reconsideration must be filed within fourteen days after the order to which it relates is filed. Id. 7(h)(2). Plaintiff filed the motion more than fourteen days after the Court's Order. However,

ORDER GRANTING PLAINTIFF'S MOTION  
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1 in the interests of justice and given that plaintiff is pro se, the Court will consider the merits of  
2 plaintiff's motion.

3 Plaintiff seems to argue that he will amend his complaint to allege that defendants  
4 continue reporting to credit reporting agencies ("CRA") information they know to be  
5 inaccurate. However, this type of allegation would raise an alleged violation of 15 U.S.C.  
6 §1681s-2(a), which does not allow for private suits. Nelson v. Chase Manhattan Mortgage  
7 Corp., 282 F.3d 1057, 1059 (9th Cir. 2002); Marks v. Green Tree Servicing, 2010 U.S. Dist.  
8 LEXIS 119979, \* (N.D. Cal. 2010) (no private right of action against furnisher of false  
9 information).

10 After a CRA receives notice that information is disputed, the furnisher of the disputed  
11 information has the following four duties:

12 to conduct an 'investigation with respect to the disputed  
13 information;' to review all relevant information provided by the  
14 CRA; to report the results of its investigation to the CRA; and if the  
15 investigation find the information is incomplete or inaccurate to  
report those results 'to all [nationwide] consumer reporting  
agencies to which the person furnished the information.'

16 Nelson, 282 F.3d at 1059 (quoting 15 U.S.C. §1681s-2(b). A consumer then has a private right  
17 of action in connection with the performance of these four duties. Marks, 2010 U.S. Dist.  
18 LEXIS 119979 at \*11.

19 Plaintiff has not alleged any new facts that would give rise to a private cause of action  
20 under section 1681s-2(b). However, in the interests of justice, the Court will amend its Order  
21 to dismiss plaintiff's FCRA claim without prejudice. Plaintiff may amend his complaint to  
22 state a claim for FCRA only if he can state facts that a furnisher of the disputed information  
23 violated one of the four duties listed above.

1 For all the foregoing reasons, the Court GRANTS plaintiff's motion for reconsideration,  
2 and AMENDS its January 26, 2011 Order to DISMISS plaintiff's FCRA claim WITHOUT  
3 PREJUDICE.

4 DATED this 28<sup>th</sup> day of February, 2011.

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7 Robert S. Lasnik  
8 United States District Judge  
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